GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Government lands – Srikakulam District – Cancellation of the allotment made for setting up of Thermal Power Project in the G.O.Ms.No.1107, Revenue (Assn.I) Dept., dated: 15.09.2008, duly permitting M/s. N.C.C. Limited to use the said lands for development of "Multi Product Industry Zone" – Orders – Issued.

REVENUE (ASSN.I) DEPARTMENT

G.O.Ms.No.329 Dated: 09-09-2015.
Read the following:

1. G.O.Ms.No.1107, Revenue (Assn.I) Department, dt.15-09-2008.
2. From the District Collector, Srikakulam, Rc.No.272/2008/E3, dated: 18.01.2014.
3. From the Special Chief Secretary & Chief Commissioner of Land Administration, A.P., Hyderabad, Ref.No.B3/1338/ 2012, dated: 24.01.2014.
4. Govt. Memo No.19090/Assn.I(1)/2010, dated: 05.05.2014.
5. From the Executive Director, N.C.C. Limited, Hyderabad, Letter No.NCC/Power/Sompeta/03/2014, dt.09-06-2014.
6. From the Executive Director, N.C.C. Limited, Hyderabad, Ref. No.NCCL/APIIC/SPT/01/2015, dt.01-06-2015.

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O R D E R:

In the G.O. 1st read above, orders were issued alienating the Government land admeasuring Ac.972.69 cents in Sy.No.152/2 etc., in Rushikonda, Gollagandi, Baruvapeta and Benkili villages of Srikakulam District on payment of Rs.80,000/- per acre in favour of APIIC for onward allotment to M/s. N.C.C. Limited, Hyderabad for setting up of 1980 MW Thermal Power Project, subject to certain conditions. Accordingly, M/s. N.C.C. Limited, Hyderabad has paid an amount of Rs.9,92,14,380/- towards sale consideration to the APIIC. The sale deed was executed between M/s. N.C.C. Limited, Hyderabad and the APIIC on 06.06.2009.

2. The District Collector, Srikakulam in his letter 2nd read above, has stated that Nagarjuna Construction Company while going for the deed of sale agreement for purchase of land from APIIC, had given undertaking that they would implement the project within (5) years by utilizing the land for which it was allotted, failing which the land can be resumed from the Company, but the Company has not yet initiated any development on the land, despite expiry of (5) years period. He has therefore submitted the above facts to Government for necessary action

3. The Special Chief Secretary & Chief Commissioner and Land Administration, in his letter 3rd read above, has reported that it is a fit case for cancellation of G.O.Ms.No.1107, Revenue (Assn.I) Dept., dated 15.09.2008 following due process and law for resumption. In this regard, he opined that, since the land given by the APIIC, it is for APIIC to take a view on the issue. Therefore, he has requested the Government to have the views of the APIIC in the matter, to proceed further for cancellation of G.O.Ms.No.1107, Revenue (Assn.I) Dept., dated 15.09.2008.

4. Government have examined the matter in consultation with the Industries & Commerce Department, Law Department and Energy Department. Accordingly, a Show-Cause Notice has been issued to M/s. N.C.C. Limited, Hyderabad to furnish explanation as to why alienation orders should not be cancelled for violation of conditions.

P.T.O. ….

5. The Executive Director, M/s. N.C.C. Limited, Hyderabad in his representation dt.09.06.2014 has submitted the explanation. He has stated that the alienated land was registered in the name of M/s N.C.C. Power Projects Limited, on 06.06.2009 by the APIIC and the company agreed to implement the project within five years from the date of registration. They obtained important clearances/ consents from the concerned authorities. In the meanwhile, some of the local NGOs filed petitions before the National Green Tribunal, Delhi, Govt. of India and High Court of A.P. Due to that, the utilization of land for the project was delayed. He further stated that they incurred an expenditure of over Rs.80.00 crores for development of site of the Project. Sri A. Jagannaylu Achari and others have filed W.P. No.17448/2011 to quash the said G.O. The Hon'ble High Court in its interim order dated 23.06.2011 has quashed the G.O.Ms.No.1107, Revenue (AssnI) Dept., dated 15-09-2008. M/s. N.C.C. Limited has filed vacate stay petition. The Government has filed counter affidavit through the District Collector, Srikakulam, when the matter is sub-judice, if, Government reconsider its decision of initiating any action, with regard to cancellation of alienation of land made in favour of M/s N.C.C. Limited, it would amount to Contempt of Court. He has further stated that due to circumstances beyond their control, they could not be taken up the Project in time. He has requested to give an opportunity for appraising the developments in the matter and not to take any unilateral action of cancellation of the lands alienated to them.

6. The General Manager (Admn.& Coordn.), N.C.C. Power Projects Limited, in his further representation dt.01.06.2015 has stated that N.C.C. Limited will develop a Multi Product Industry Zone in its land bank to an extent of Ac.1,672.82 cents, in place of Thermal Power Project, respecting the sentiments of the local people in Sompeta Mandal, Srikakulam District. In line with the dynamic New Industrial Policy of Government of Andhra Pradesh, they have a proposal to make use of the above land for developing Multi Product Industry Zone with a broader perspective of bringing rich dividends to the State in terms of economic and industrial development and the generation of new employment opportunities both direct and indirect to local population. He has therefore, requested for approval to enable them to develop 'Multi Product Industry Zone' in the lands owned by the Company.

7. Government after careful examination, hereby order to cancel the allotment made for setting up of 1980 MW Thermal Power Project in the G.O. 1st read above and to permit M/s. N.C.C. Limited to use the lands admeasuring Ac.972.69 cents in Sy.No.152/2 etc., in Rushikonda, Gollagandi, Baruvapeta and Benkili Villages of Srikakulam District for development of "Multi Product Industry Zone", subject to following conditions and also conditions laid down in BSO-24 and G.O.Ms.No.571, Revenue, dated 14.09.2012

1. The land shall be utilized for the purpose for which it is allotted within three years from the date of this orders;
2. The alienee shall submit an annual report before 31st March on the progress of utilization to the District Collector;
3. The District Collector shall be the authority to cancel and resume the land from the allottee for violation of conditions as well as for non utilization of land.

(Contd.P.3)

7. The Chief Commissioner of Land Administration, A.P., Hyderabad and the District Collector, Srikakulam shall take necessary action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

J.C.SHARMA,
PRINCIPAL SECRETARY TO GOVERNMENT.

To
The Chief Commissioner of Land Administration, A.P., Hyderabad,
The District Collector, Srikakulam.
Copy to:
The Industries & Commerce Department.
The Energy, I&I Department.
The V.C.& M.D., APIIC,
4th Floor, Parisrama Bhavan, Fateh Maidan Road,
Basheerbagh, Hyderabad – 500 004,
The PS to Prl.Secretary to Hon'ble C.M.
The PS to Hon'ble Deputy Chief Minister (Revenue)
The PS to Principal Secretary to Govt. (Revenue)
M/s. Nagarjuna Construction Company Limited,
NCC House, Madhapur, Hyderabad-500 081.
SF/SC.

// Forwarded :: By order //

SECTION OFFICER.